

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

OSCAR WALDEN, JR.)	
)	
Plaintiff,)	No. 04 C 47
v.)	Honorable Ruben Castillo
)	
CITY OF CHICAGO,)	
)	
Defendant.)	

**MOTION OF ANDREW HALE AND AVI KAMIONSKI
TO INTERVENE ON PLAINTIFF'S MOTION FOR SANCTIONS**

Andrew Hale and Avi Kamionski, by their attorneys, pursuant to Rule 24(b)(1)(B) of the Federal Rules of Civil Procedure and the Fifth Amendment's Due Process Clause, respectfully move this Honorable Court to enter an order permitting them to intervene on plaintiff's motion for sanctions. In support of this motion, the following is offered:

1. Plaintiff has filed a motion for sanctions, seeking imposition of significant monetary sanctions against the City of Chicago and/or Attorneys Andrew Hale and Avi Kamionski.
2. As the Court is aware, Attorneys Hale and Kamionski represented defendant at a jury trial held in February 2012.
3. On March 16, 2012, this Court granted defendant's motion to substitute trial counsel. Accordingly, Andrew Hale, Avi Kamionski and other attorneys in their firm were granted leave to withdraw, and attorneys from the Corporation Counsel's Office were granted leave to file their appearances.
4. On April 2, 2012, plaintiff filed his motion for sanctions.

5. An attorney against whom sanctions are sought is entitled to notice, a hearing and an opportunity to be heard. See, *e.g.*, *Johnson v. Cherry*, 422 F.3d 540, 551-52 (7th Cir. 2005); *Nisenbaum v. Milwaukee County*, 333 F.3d 804, 811 (7th Cir. 2003).

6. If Attorneys Hale and Kamionski had remained counsel of record, they could respond to Plaintiff's motion during proceedings in this case. Because they no longer are counsel of record and because the plaintiff seeks to hold them personally liable for attorneys' fees, Messrs. Hale and Kamionski, through counsel, respectfully seek to intervene for the limited purpose of responding to plaintiff's motion for sanctions.

7. In terms of the response to plaintiff's sanctions motion, we respectfully defer to the Court about how it desires to proceed and/or move for the setting of a briefing schedule.

WHEREFORE, based on the foregoing, Andrew Hale and Avi Kamionski respectfully move this Honorable Court to enter and order permitting them to intervene for purposes of responding to the plaintiff's motion for sanctions, setting a briefing schedule and ordering any other appropriate relief.

Respectfully submitted,

/s/ Theodore Poulos

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